

BE: The patent application of Metcalf
US Pat. Application Serial No. 09/617,156
Filed July 17, 2000
Examiner: Jan Mooneyham, Group Art Unit 3629

**Entitled: ORDERING, SCHEDULING AND RESERVATION SYSTEM
FOR EXPEDITED COMMERCE BETWEEN AN INTERNET BROWSING APPARATUS
AND ONE OR MORE PHYSICAL VENUES**

June 22, 2004

Commissioner of Patents and Trademarks
Washington, District of Columbia 20231

Examiner,

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GROUP 3600

A.) In response to the issues cited in the Detailed Action mailed December 23, 2003 pertaining to the above-referenced application, please find the applicant's reply with the following headings:

- 1) "Introductory Comments"
- 2) "Amendments to the Claims" (a full copy of the claims as amended is separately attached)
- 3) "Remarks"

B.) During a scheduled telephone interview on April 6, 2004 covering salient points which distinguished the method, system, structure and operation of the Metcalf invention from that of the relied upon prior art, the examiner indicated that there were sufficient grounds for re-consideration of patentability. A summary of those salient points is included in the "Introductory Comments" section beginning on the following page.

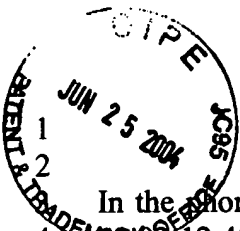
C.) In a follow up call placed by the applicant, following the receipt of an Interview Summary mailed on April 9, 2004, the examiner asked that amendments to the claims (using claim language to better define the invention) be submitted first with the appropriate extension fee. She indicated that if the amended claims readily differentiate the invention from the prior art, the filing of a RCE may not be required. The applicant also pointed out during this phone communication (and another phone call placed with supervisor John Weiss) that the USPTO.GOV website 'PAIR' system was not providing any information as to the status of the application, (but correctly did so for all other of the applicant's pending or issued patents).

D.) A Credit Card Payment Form in the amount of \$475 for a three month extension is attached.

E.) An "Appendix A" describing the environmental benefits of 'Trip-Linking' is also attached.

Respectfully Submitted,

Darrell Metcalf, Applicant



Received by USPTO July 15, 2004

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INTRODUCTORY COMMENTS

GROUP 6300

In the phone interview between the examiner and the applicant (held on Tuesday, April 6, 2004 at 12:40 PST) it was generally acknowledged that none of the relied upon or referenced prior art provided any of the following six categories of features:

1. An electronic 'Dual-Commerce' system having an expandable network (or community, or association) comprised of online and offline venues, accessible for commerce transactions from a browser interface. Wherein each *'physical-venue'* (offline venue) is both:
 - a.) equipped in a customary manner to serve a foot-traffic flow of *non-scheduled customers* desiring products, or services, or activities, or any combination thereof ("deliverables"); and
 - b.) equipped with *at least one physical area* (preferably scalable in size) *designated for expedited service* to serve *scheduled customers* who:
 - i.) previously place an order online for one or more deliverables, and
 - ii.) subsequently *travel to an area designated for expedited service at one or more of the different venues* to culminate their order(s) in an expedited, time-saving manner.
 2. A plurality of physical venues, providing different deliverables, that are connected with the electronic 'Dual-Commerce' system via a communications network in a manner which displays to online customers via their browser apparatus, the availability of only those deliverables which (a) are currently available, or (b) will be available at a schedulable time, such that any order placed online--for a purchase or rental of one or more deliverables--is *reserved and guaranteed to be available to the customer* when he or she subsequently arrives (within one or more scheduled time range) at an *area designated for an expedited level of service* at one or more of the networked physical venues.
 3. The 'Dual-Commerce' aspect of the electronic commerce system, which features both:
 - (A) a facilitating of 'online' commerce: providing customers the option to place orders online (including the coordinating and consolidating of a plurality of orders from different vendors) and have them fulfilled / shipped in a conventional eCommerce manner*, AND
 - (B) additionally or alternatively facilitating 'offline' commerce: coordinating for customers, a best-fit schedule (relative to the customers' needs) for time-saving excursions to, and expedited levels of customer service for customers traveling to, a *designated area of expedited service* at one or more physical venue locations. The system also consolidates customer visitations into a best-fit schedule or time-saving excursion when a plurality of orders will be culminated at different physical venues.
- * The specification also describes a time-saving 'online' commerce order-simplifying option whereby, a plurality of deliverables--available from different *online* businesses--are consolidated into a single ordering form represented on one Dual-Commerce website page.
4. Handheld device *downloadable, or printable, itineraries* which facilitate time-saving customer excursions to one, or to a series of *designated area(s) of expedited service, at one or more physical venue locations* to culminate an order for one or more reserved and

guaranteed products, or services, or activities, or any combination thereof (deliverables) in an expedited manner.

5. *Flexible scheduling means* for accommodating spontaneous real-time requests for itinerary breaks when the customer is using, or about to use, an itinerary. For example, a customer schedules a 11:00 am – 1:30 PM time-saving excursion to a mall but decides at 11:45 to take a half hour ‘break’ for an unscheduled lunch, or to do some window-shopping. The system’s scheduling means is equipped to adjust the customer’s original schedule to accommodate the on-the-fly request relative to the then-current availability of customer-events scheduled at the same mall. The system also generates ‘best-fit’ schedules in response to a customer’s availability and preferred excursion time(s).
6. The system provides for ‘same-day’ fulfillment of online-placed orders at expedited service areas of one or more, or different types of, Dual-Commerce-enabled physical venues.

Of Significant Environmental Import

It is also noted that during the phone interview on April 6, 2004, the applicant described how the scheduling of itineraries to multiple venue locations (being coordinated and consolidated) by the Dual-Commerce system, provides a new environmental benefit in addition to time-saving and efficient economic benefits. Thus the scheduling aspect of the system uniquely achieves an important energy-saving and pollution-reducing goal advocated and endorsed by environmental planners and agencies. The new excursion-consolidating strategy is referred to as “Trip-Linking.*” A sense of the importance of the new Trip-Linking priority can be appreciated in the 600+ ‘hits’ from a Google-search of the term “Trip-Linking,” and from a brief excerpt from one of the hits (e.g., the San Francisco Bay ‘BAAQMD’— <http://www.baaqmd.gov/pio/triplinking.asp>):

“Most motorists don’t realize that a quick one-mile trip to the dry cleaners emits up to 70 percent as much pollution as a ten-mile excursion with several stops. *If Bay Area residents could cut their cold starts by 25 percent, we could remove up to 97 tons of pollutants from the air each day. What an achievement!*”

“Motor vehicles are the largest source of air pollution in the Bay Area. Surprisingly, non-commuters make 75% of all automobile trips. *An effective way for non-commuters to reduce automobile pollution is to “Trip-Link,” or to combine several small car trips into one larger trip. If you must drive, you can reduce your auto’s pollution by minimizing “cold starts.”* A cold car, one that been sitting for an hour or more, pollutes up to five time more than a warm car. This is because the engine’s air pollution control device, the catalytic converter, takes several minutes to warm up and work efficiently. *By linking trips together and keeping your car engine warm, you can avoid cold starts.”*

“Trip Linking is easy and will save you money and time. Here are some tips to get you started:

Keep a running list of errands you need to do.

Try to match items on your list that are located near each other.

For example, if your child’s school is located near your dry cleaner and post office, three trips could be linked together into one!

Give yourself enough time and plan ahead.

Think before you drive:

“Do I really need to make this trip?”

“How can I combine this errand with another trip I’ll be making this week?”

* The applicant is the registered owner of the Internet domain names: “www.triplinking.com,” and “www.triplinking.com.”

For an explanation of *How an Expedited, Time-Saving Dual-Commerce System Excursion with ‘Trip-Linking’ Benefits Works*, see “Appendix A.”